

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

LUIS JAVIER FIGUEROA AYALA

DEBTOR

CASE NO. 18-01603/EAG

CHAPTER 13

**DEBTOR'S AMENDED MOTION REQUESTING ORDER
RE: RATIFICATION OF THE USE OF FUNDS FROM
2019 TAX REFUND**

TO THE HONORABLE COURT:

NOW COMES, LUIS JAVIER FIGUEROA AYALA, the Debtor through the undersigned attorney, and very respectfully states and prays as follows:

1. The Debtor's confirmed Plan dated June 7, 2018 (Docket No. 16) provides that Debtor's tax refunds will be paid into the Plan.

2. The Debtor received the 2019 tax refund (\$2,273.00). The Debtor did provide to Chapter 13 Trustee a copy of the Debtor's 2019 tax return.

3. The Debtor is a Policeman working for the Puerto Rico Police force for the last 26 years. This is the Debtor's only source of income. *See Schedule I*, Docket No 01.

4. On April 5, 2022 the Debtor filed a *Debtor's Motion Requesting Order RE: Ratification of the Use of Funds From 2019 Tax Refund*, Docket No. 29, in the above captioned case.

5. On April 20, 2022 the Court granted a Trustee's request for extension of time (Docket No. 32) to submit his position regarding the aforementioned motion filed by the Debtor (Docket No. 31).

6. The Debtor hereby respectfully admits that the funds from the aforementioned tax refund were not paid into the Plan and the Debtor forgot to request prior Court

authorization for the use of the funds from above mentioned 2019 tax refund.

7. The Debtor used the 2019 tax refund to pay for: due the coronavirus lockdown, the Debtor had an extraordinary increase in the household expenses for food and utilities and monies from the 2019 tax refund were used to cover these extraordinary expenses.

8. The Debtor and the Chapter 13 Trustee have discussed this contested matter and have reached an agreement as to the Debtor's 2019 tax refund.

9. The Debtor is hereby respectfully requesting the Court to ratify the sum of \$1,136.00 from the Debtor's 2019 tax refund since the same was used for a "reasonable and necessary expense", thus, its use may be ratified by the Court, not to be used for the confirmed Plan funding. 11 U.S.C. Section 105.

10. The Debtor will send to the Chapter 13 Trustee the sum of \$1,137.00 or the balance in the 2019 tax refund to additionally fund the Debtor's confirmed Chapter 13 Plan. The Debtor proposes to pay to the Chapter 13 Trustee said sum of \$1,137.00 as follows: the Debtor to pay a sum of \$568.00 in June/2022 and a sum of \$569.00 in July/2022 to cover said amount of \$1,137.00.

11. Based on the above-stated, the Debtor respectfully requests this Honorable Court to Order the ratification of the use of aforementioned sum of \$1,136.00 from the Debtor's 2019 tax refund, in the above captioned case, the Debtor to pay to the Chapter 13 Trustee the balance of \$1,137.00, as herein stated.

WHEREFORE, the Debtor, through the undersigned attorney respectfully requests that this Honorable Court grant the foregoing motion and allow the use of the funds from the 2019 tax refund by the Debtor in the above captioned case.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, the US Trustee's Office and to all CM/ECF participants; I also certify that a copy of this motion was sent via US Mail to the Debtor, Luis Javier Figueroa Ayala, to the address of record: PO Box 804, Gurabo PR 00778 and to creditors and parties in interest (CM/ECF non-participants) as per the attached master address list.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 5th day of May
2022.

/s/ Roberto Figueroa Carrasquillo
USDC #203614
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Label Matrix for local noticing
0104-3
Case 18-01603-EAG13
District of Puerto Rico
Old San Juan
Thu May 5 13:32:39 AST 2022

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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End of Label Matrix	
Mailable recipients	26
Bypassed recipients	0
Total	26